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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,462	01/19/2001	Yunsen Wang	EM/WANG/6442	7355
7590	05/18/2004		EXAMINER	
BACON & THOMAS Fourth Floor 625 Slaters Lane Alexandria, VA 22314			NGUYEN, HANH N	
			ART UNIT	PAPER NUMBER
			2662	3
DATE MAILED: 05/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/764,462	WANG, YUNSEN
	Examiner Hanh Nguyen	Art Unit 2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on Application filed on 1/19/01.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract is longer than 150 words. Applicant is required to make appropriate correction.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear on line 8 whether "at least one end system" is referred to "at least one end system" on line 4 ?. Appropriate correction is required.

It is not clear on line 6 to what "one of the at least one available end system" is referred ?.

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In claims 3 and 15, it is not clear on line 2 what is meant by “pattern matching rules” and line 3 “end system picked up based on the response metric and other policies”.

Still refer to claims 3 and 15, line 2, “don’t match” should be corrected as “do not matcch”.

Examiner reserves not to examine claims 3 and 15 until receiving further explanation from applicant.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-9, 13, 14 and 16 are rejected under 35 USC 103(a) as being unpatentable over **Heddaya et al.** (US pat. No. 6,622,157 B1) in view of **Radziewicz et al.** (US Pat. No. 5854897).

In claims 1, 2, 5, 13 and 14, **Heddaya et al.** discloses, in Fig.4 & Fig.5, an intermediate node 176 receiving a service request from a first client node 180 and forward the request to a primary server 172 ( at least one intermediate system receiving traffic from outside and forwarding to at least one end system). See col.11, lines 30-35 & step 212, Fig.5. The intermediate node 176 receives a service response including service from the primary server 172 and provides service response to the first client 180 (intermediate system forwarding response

traffic from the end system to the outside). See col.11, lines 38-45. The primary server 172 directs a secondary server 174 (another end system) to service requests ( certain traffic) transmitted from a second client 182 (certain source) by directing the intermediate system 176 to intercept requests ( certain traffic) from the second client 182 for transmitting to the secondary server 174 without intervention by the primary server 172 (at least one end system instructing the at least one intermeiate system to forward certain traffic from certain source to another end system; adding end system to share the load without interrupting other system). See col.11, lines 45-55. **Heddaya et al.** discloses that the computer system of Fig.4 is an Internet or any local network comprising nodes using any type of physical layer ( IP service in a layer two). See col.6, lines 10-20. **Heddaya et al.** does not disclose at least a supervisor handling registration , running as authority aserver, and management agent. **Radziewicz et al.** discloses, in Figs.3A & 3B, a user 14 with its Ip address requests for an advertisement service to an Internet 10 via service provider 16. Network service software determines if the user 14 is a subscriber at step 106. Advertisement server (supervidor system) checks database for advertisement message to transmit and begins to transmit to user display ( supervisssor system handing registration on layer two network). See Figs3A & 3B. Therefore, it would have been obvious to one ordinary skill in the art to combine the **Radziewicz et al.** with **Heddaya et al.** to control whether the client has been registrated with the server or not.

In claims 4 and 16, **Heddaya et al.** does not disclose flow advertisement containing quality of service requirement to support real time application and modify type of service. **Radziewicz et al.** discloses a real time server 36 in Fig.1 providing type of information available to subscribers of real time service (quality of service requirement to support real time application

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and modify type of service). See col.8, lines 30-45. Therefore, it would have been obvious to one ordinary skill in the art to use the teaching of **Radziewicz et al.** with **Heddaya et al.** to provide real time information to subscriber while maintaining quality of service.

In claim 6, **Heddaya et al.** discloses, in Fig.1, IP network 10 comprising routers 14 relaying service request from client 12 to home server 20 (at least one intermediate system is an Ip router). See col.6, lines 10-20.

In claim 7, **Heddaya et al.** does not disclose intermediate system is a switch type device. However, it is a well-known skill in the art to replace the router in **Heddaya et al.** with switch type device because the switches are connected in a network.

In claims 8 and 9, **Heddaya et al.** discloses the network computer using HTTP and FTP protocol. See col.6, lines 45-55. Therefore, it would have been obvious to one skill in the art that the server is HTTP or FTP servers.

Claim 10 is rejected under 35 USC 103(a) as being unpatentable over **Heddaya et al.** (US pat. No. 6,622,157 B1) in view of **Radziewicz et al.** (US Pat. No. 5854897), and further in view of **Gifford** (US pat. No. 6,052,718).

In claim 10, **Heddaya et al.** does not disclose the end system is a firewall proxy server. **Gifford** discloses, in Fig.1,2, line 65 to col.3, line client 33 request for service to master server 61 via firewall 20 (end system). Therefore, it would have been obvious to one ordinary skill in the art to use the firewall in place of the server so that to authorize network access from user.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over **Heddaya et al.** (US pat. No. 6,622,157 B1) in view of **Radziewicz et al.** (US Pat. No. 5854897), and further in view of **Ellington, Jr** (US pat. No. 6,708,218 B1).

In claim 11, **Heddaya et al.** does not disclose IPSEC tunneling server. **Ellington, Jr** discloses, in Fig.1, an IP host 10 performs IP SEC tunneling to IP host 50 via gateway 20, 40. Therefore, it would have been obvious to one ordinary skill in the art combine the teaching of **Ellington, Jr** with that of **Heddaya et al.** to determine whether the Ip connection still exist.

Claim 12 is rejected under 35 USC 103(a) as being unpatentable over **Heddaya et al.** (US pat. No. 6,622,157 B1) in view of **Radziewicz et al.** (US Pat. No. 5854897), and further in view of **Molitor** (US pat. No. 6,661,799 B1).

In claim 12, **Heddaya et al.** does not disclose netwwork address translation. **Molitor** discloses, in Fig.3, host A transmits request to host R via network address translation 320. Therefore, it would have been obvious to one ordinary skill in the art to use the NAT into the **Heddaya et al.** as a server providing IP address translation for IP source.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spaur et al. (US pat. No. 6,625,578 B2) discloses On-Line Game Playing with Advertising.

Chen et al. (US pat. No. 6,195,694 B1) discloses Server for Reconfiguring control of a subset of devices on one or more Kiosks.

Philipps et al. (US Pat. No. 6,640,243 B1) discloses Enhanced Network Services Using a Subnetwork of Communicating Processors.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 703 306-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

  
May 15, 2004